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**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

Application Number: 09/737,754
Filing Date: December 18, 2000
Appellant(s): SCHEIN ET AL.

Eric L. Sophit (Registration No. 48,499)
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed 06 February 2006 appealing from the Office action mailed 27 June 2005.

(2) Related Appeals and Interferences

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

(3) Status of Claims

The statement of the status of claims contained in the brief is correct.

(4) Status of Amendments After Final

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

(5) Summary of Claimed Subject Matter

The summary of claimed subject matter contained in the brief is correct.

(6) Grounds of Rejection to be Reviewed on Appeal

The appellant's statement of the grounds of rejection to be reviewed on appeal is correct.

(7) Claims Appendix

The copy of the appealed claims contained in the Appendix to the brief is correct.

(8) Evidence Relied Upon

Examples Of Using MQSeries On S/390. System/6000, AS/400 and PS/2, June 1994, IBM Corporation

Richards et al. US Patent 5,995,921

Yanai et al. US Patent 5,544,347

(9) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

Claim Rejections - 35 USC § 102

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 21, 23 – 31, 33 – 38 and 40 – 48 are rejected under 35 U.S.C. 102(b) as being unpatentable over “Examples of Using MQSeries on S/390, RISC System/6000, AS/400 and PS/2” hereinafter known as MQSeries.

Regarding claim 21, MQSeries discloses a global communications network for use by a financial institution [page 33 – 51], comprising:

a plurality of distribution points for allowing an end user to send an electronic message or request [page 31];

an integration facility for controlling and routing the electronic message or request, wherein the integration facility comprises at least one first logical router for

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determining whether the electronic message or request is simple or complex [page 31];
and

as for limitation of "at least one service provider for processing the electronic message or request", (inherently included in MQSeries) because MQSeries teaches transmission Queues [page 12] which are used as an intermediate step when sending messages to remote queues, and, it is a business choice to elect whether they want to implement their network as an intranet or an internet .

Regarding claim 23, MQSeries discloses at least one first logical router directs the simple electronic message or request directly to the at least one service provider [page 21, 22, 25].

Regarding claim 24, MQSeries discloses at least one first logical router directs the complex electronic message or request to at least one messaging services agent.

Regarding claim 25, MQSeries discloses at least one messaging services agent processes the complex electronic message or request based on at least one of processing scripts, workflow rules, data model rules, and business rules, and wherein the at least one messaging services agent directs the processed complex electronic message or request to at least one second logical router [page 25].

Regarding claim 26, MQSeries discloses at least one second logical router (Transmit Queue) [page 5] which directs each processed electronic message or request based on routing criteria developed from at least one of data partitioning to at least one service provider (remote computers) [page 31].

Regarding claim 27, MQSeries teaches at least one second logical router directs the processed complex electronic message or request to at least one service provider (by using transmit queue, message can be transferred from MVS/ESA to AS/400 via RS/6000) [page 25, 31].

Regarding claim 28, applicant discloses "Complex transactions are intended to be sent through the system, whether or not they require a database lookup or not." [0052]. MQSeries discloses second logical router directs the processed complex electronic message or request based on routing criteria developed from at least one of data partitioning (reply received into MVB2 put in intermediate queue for MVB1) [page 31].

Regarding claim 29, MQSeries discloses at least one messaging services agent (MVB2) decomposes the complex electronic message or request based on at least one processing scripts, business rules into a plurality of simple electronic messages and wherein the at least one messaging services agent (MVB4) directs the plurality of

simple electronic messages or requests to at least one second logical router (queues between MVB4 and MVB5) [page 34].

Regarding claim 30, MQSeries discloses a system journal for maintaining a log of the electronic message or request (messages remain physically on the disk file, until they are explicitly purged) [page 74].

Regarding claim 31, MQSeries discloses at least two data centers, wherein each data center of the at least two data centers comprises at least one data storage device for storing data necessary to process the electronic message or request [page 31].

Regarding claim 33, MQSeries discloses at least one distribution point of the plurality of distribution points is chosen from a group consisting of branch systems, remote delivery systems, customer service systems, point of sale systems, and office systems (shows branch to branch communication) [page 31].

Regarding claim 34, MQSeries discloses first distribution point of the plurality of distribution points [page 8, 31]. MQSeries discloses:

a branch router (unit of work 2 in Figure 3 on page 2, FEP in Figure 10 on page 30) in communication with the integration facility and a public network;

at least one general service [page 30]; and

a local area network in communication with the at least one general service [page 30] and the public network (TCP/IP protocol used in a public network like the internet) [page 31].

Regarding claim 35, MQSeries discloses at least investment consultant work stations (credit application manager) [page 34].

Regarding claim 36, MQSeries discloses a second distribution point of the plurality of distribution points [page 46]. MQSeries discloses:

a remote delivery router in communication with the integration facility (MVS Host) and the public network (TCP/IP protocol which is used in public network like internet) [page 31]; and

at least one remote device (RS/6000), wherein the at least one remote device is in communication with the public network (TCP/IP protocol which is used in public network like internet) [page 31].

Regarding claim 37, MQSeries discloses third distribution point of the plurality of distribution points (PS/2). MQSeries discloses:

a point-of-service server (AS/400) in communication with the integration facility and a point-of-service network (communication between RS/6000 and AS/400) [page 31]; and

a terminal device (PS/2), wherein the terminal device is in communication with the point-of-service network (communication between RS/6000 and PS/2) [page 31].

Regarding claim 38, MQSeries discloses point-of-service network is the public network (TCP/IP protocol which is used in public network like internet) [page 31].

Regarding claim 40, MQSeries discloses first distribution point of the plurality of distribution points [page 31, 34]. MQSeries discloses:

a point-of-service server in communication with the integration facility and a point-of-service network; and

a terminal device, wherein the terminal device is in communication with the point-of-service network, and wherein the terminal device comprises at least one of a magnetic strip reader or a key pad.

Regarding claim 41, MQSeries discloses point-of service network is at least one of a public network (TCP/IP, protocol used in public network like internet) or a private network (SNA) [page 31].

Regarding claim 42, MQSeries discloses processing and routing an electronic message or request across a global communications network. MQSeries discloses:

receiving an electronic message or request from a distribution point (inquiry from MVB1) [page 34]

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determining whether the electronic message or request is simple (MVB1) or complex (MVB4) [page 34];

routing a simple electronic message or request to at least one service provider (MVB1), or processing a complex message or request and routing the processed complex message or request to at least one service provider (MVB4) [page 34].

Regarding claim 43, MQSeries discloses at least one service provider (remote computers) communicates with a data center (MVS host), and wherein the data center comprises at least one data storage device (inherently included in the host system) for storing data necessary to complete the simple electronic message (MBB1) or request and the complex message or request (MVB4) [page 34].

Regarding claim 44, MQSeries discloses processing the complex message or request and routing the processed complex message or request (MVB4).

decomposing the complex message or request based on at least one of processing scripts (MVB4), into a plurality of simple messages or requests (B5, B6, B7) [page 34]; and

routing the plurality of simple messages or requests to the at least one service provider (MVB5, message to remote queue using transmit queue) where the plurality of simple messages are processed [page 34].

Regarding claim 45, MQSeries discloses processing the complex message or request and routing the processed complex message or request, recomposing responses from the at least one service provider (MVB2) [page 34]; and routing the recomposed responses to the distribution point (MVB1) [page 34].

Regarding claim 46, MQSeries discloses routing the plurality of simple messages or requests [page 34], routing the each simple message or request of the plurality of simple messages or requests based on routing criteria developed from at least one of data partitioning (MVB2) [page 34].

Regarding claim 47, MQSeries discloses routing the processed complex message or request to at least one service provider [page 30, 34], routing the complex message or request based on routing criteria developed from at least one of data partitioning (MVB4).

Regarding claim 48, MQSeries discloses maintaining a log of the electronic messages or requests [page 74].

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 32 is rejected under 35 U.S.C. 103(a) as being unpatentable over
“Examples of Using MQSeries on S/390, RISC System/6000, AS/400 and PS/2”
hereinafter known as MQSeries in view of Richards et al. US Patent 5,995,921
hereinafter known as Richards.

Regarding claim 32, MQSeries discloses:

a common interface by which the end user can send the electronic message or request.

MQSeries does not disclose audio and visual devices for interaction with the end user, and, translation software for translating all functions communicated to the end user audibly and visually into the end user's preferred language. However, Richards discloses audio (196) and visual (170) interfaces [Fig. 1], and, translation software for translating all functions communicated to the end user audibly and visually into the end user's preferred language (the interface may be adapted to receive queries in another target natural language such as Spanish, Italian, etc., by merely modifying lists 214, 215, 216 and the character string fields in list 218.) [col. 14, lines 15 – 49]. Therefore, it

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would have been obvious to one of ordinary skill in the art at the time the invention was made to modify MQSeries as taught by Richards to provide an interface in which the user may use the system using words, phrases and terminology of the user's natural language.

Claim 39 and 49 – 52 are rejected under 35 U.S.C. 103(a) as being unpatentable over “Examples of Using MQSeries on S/390, RISC System/6000, AS/400 and PS/2” hereinafter known as MQSeries in view of Yanai et al. US Patent 5,544,347 hereinafter known as Richards.

Regarding claim 39, MQSeries discloses first distribution point of the plurality of distribution points [page 31]. Applicant discloses “[0054] In accordance with another important aspect of the present invention, the integration facility preferably supports identical data bases located in different cites in real time.” (data mirroring). MQSeries discloses:

a remote delivery router in communication with remote systems and a public network (Transmission Queue) [page 5]; and

at least one remote device (PS/2) [page 31], wherein the at least one remote device is in communication with the public network (TCP/IP protocol which is used in public network like internet), and wherein the remote device is computer modem (modem in PS/2 for TCP/IP connectivity to the public network).

MQSeries does not disclose integration facility. However, Yanai discloses data mirroring [Fig. 1]. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify MQSeries as taught by Yanai for instantaneous data recovery after a disaster by retrieving data from a remote device.

Regarding claim 49, MQSeries discloses a communications network.

an integration facility for processing electronic messages or requests, wherein the integration facility comprises at least one first logical router for determining whether the electronic message or request is simple or complex (MVB1, MVB4) [page 34];

at least one distribution point (MVB2) [page 34]

at least one financial transaction related service (Fig. 12) [page 34]

at least one service provider (plurality of hosts in the network) [page 31].

Applicant discloses “[0054] In accordance with another important aspect of the present invention, the integration facility preferably supports identical data bases located in different cites in real time.” (data mirroring). MQSeries does not disclose integration facility. However, Yanai discloses data mirroring [Fig. 1]. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify MQSeries as taught by Yanai for instantaneous data recovery after a disaster by retrieving data from a remote device.

Regarding claim 50, MQSeries discloses office systems (plurality of computers) [page 31].

Regarding claim 51, MQSeries discloses financial transaction related service is financial control services [page 34].

Regarding claim 52, MQSeries discloses service provider is selected from a group consisting of gateways (inherently used in connecting 2 remote computers over the internet), product processors (host computers) and authorization engines [page 37].

(10) Response to Argument

Counselor and the appellant have their opinion, however, examiner has different opinion. In response to applicant's argument that the messaging service infrastructure includes a two-tier routing structure. Primary routing occurs within the delivery system interface to expedite simple transactions that can be sent directly to the core application or other servicing system. Complex transactions are intended to be sent through the system, whether or not they require a database lookup or not.

On page 8 of the appeal brief, appellant has provided a figure from the cited reference MQSeries. Looking at the same figure, MVB2 teaches capability for determining simple and complex messages. MVB2 responds to the inquiry from MVB1 either from batch processing, immediate delivery, send a query to MVB3 or to MVB4 for further processing. Looking at this figure itself, it would have been obvious to one of

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ordinary skill in the art that MVB2 is capable of determining whether the message is simple or complex as claimed by the appellant as their invention.

In response to applicant's argument that Message standardization coding is not usually required for these transactions.

However, appellant is arguing a limitation not positively claimed by the appellant as their invention.

In response to applicant's argument that the system workflow manager determines the appropriate system application, depending on the message, and those applications create the necessary additional messages required for communication with multiple core applications or servicing systems to complete the transaction request. Message responses are then processed by the appropriate system application and the aggregated response is returned to the delivery system via the interface.

However, appellant is arguing a limitation not positively claimed by the appellant as their invention.

In response to applicant's argument that the Examiner failed, however, to refer to the specification's discussion of "determining whether the electronic message or request is simple or complex," as recited in claims 21 and 42. (emphasis added).

This argument of determining whether the electronic message or request is simple or complex has been responded above in response to an argument earlier.

In response to applicant's argument that "[t]he messaging services contain application logic that supervise the transactions requested based upon script, workflow, and data model rules. ... Logical router 23 then determines whether the message is simple or complex (i.e., requiring supervision)." Paras. [0100] - [0101].

However, appellant is arguing a limitation not positively claimed by the appellant as their invention. Also, as responded to earlier, MVB2 has to process the inquiry based upon some rule to determine how to respond to the inquiry.

In response to applicant's argument that cited reference MQSeries does not disclose "determining whether the electronic message or request is simple or complex."

This argument of determining whether the electronic message or request is simple or complex has been responded above in response to an argument earlier.

The router disclosed by MQSeries is not a logical router that determines whether the message requires supervision.

However, MVB2 is a logical router which determines whether to send the response to an inquiry directly or route it to another process for further processing (see figure on page 8 of the appeal brief).

In response to applicant's argument that the examiner interpretation of MQSeries does not disclose the step of determining whether the message is simple or complex.

This argument of determining whether the electronic message or request is simple or complex has been responded above in response to an argument earlier.

In response to applicant's argument that MQSeries schedules processes MVB4 and MVB5 only when the loan amount is higher than \$10,000. See MQSeries, pages 33 and 36. The scheduling of MVB4 and MVB5, when the loan amount is higher than \$10,000, does not meet a prima facie case of anticipation as to a determination of whether a message requires supervision. Therefore, the Examiner's reliance on MVB4 as a logical router "determining whether the electronic message or request is simple or complex" is improper. Although MQSeries may provide routing functions, it does not disclose the "determining" step of claims 21 and 42.

However, claimed limitation of determining step has been responded to earlier. Also, appellants argument itself demonstrates that MVB2 determines whether the inquiry is simple or complex.

In response to applicant's argument that cited reference MQSeries does not disclose that "the integration facility comprises at least one first logical router for determining whether the electronic message or request is simple or complex."

However, as responded to earlier, cited reference teaches MVB2 which determines whether the message is simple or complex.

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In response to applicant's argument that cited reference does not teach a logical router capable of performing such a function nor is it an inherent characteristic of the TCP/IP communication protocol to do so. MQSeries does not disclose how the PS/2, MVS/ESA, AS/400, or the RS/6000 could perform the function of "determining whether the electronic message or request is simple or complex."

However, appellant is arguing a page from the cited reference which shows the network of computers used to implement the solution taught by the reference. Figure 12 which is provided in the appeal brief demonstrates that the cited reference MQSeries teaches the claimed limitations which the appellant claims as their invention.

In response to applicant's argument that in reference to claim 42 that cited reference MQSeries does not teach "determining whether the electronic message or request is simple or complex,"

This argument of determining whether the electronic message or request is simple or complex has been responded above in response to an argument earlier.

In response to applicant's argument that none of the MVB4 functions above disclose "determining whether the electronic message or request is simple or complex."

This argument of determining whether the electronic message or request is simple or complex has been responded above in response to an argument earlier.

In response to applicant's argument that at best, the cited blocks read or write a message and forward it to the appropriate queue. Therefore, MQSeries does not disclose each and every limitation of claim 42 of the present application.

However, MVB2 teaches to determine whether the message is simple or complex by showing it can put messages on plurality of queues.

In response to applicant's argument that cited reference MQSeries does not disclose "simple" or "complex" messages.

This argument of determining whether the electronic message or request is simple or complex has been responded above in response to an argument earlier.

In response to applicant's argument that in reference claim 32 which is dependent on claim 21 stands rejected under 35 U.S.C. §103(a) as being unpatentable over MQSeries in view of Richards to be allowable in view of MQSeries for the reasons set forth above because Richards does not teach or suggest the deficiencies of MQSeries.

However, appellant's argument about deficiencies of MQSeries have been responded to above.

In response to applicant's argument in reference to claims 39 and 49-52 which are dependent on claim 21 and rejected under 35 U.S.C. § 103(a) as being

unpatentable over MQSeries in view of Yanai *et al.* be allowable in view of MQSeries for the reasons set forth above.

However, appellant's argument about deficiencies of MQSeries have been responded to above.

In response to applicant's argument that neither MQSeries nor Yanai teach or suggest "at least one first logical router for determining whether the electronic message or request is simple or complex," as recited in claim 49.

However, as responded to earlier, cited reference MQSeries teaches MVB2 which determines whether the message is simple or complex.

In response to applicant's argument that cited reference MQSeries does not teach or suggest the "at least one first logical router" of claim 49.

However, as responded to earlier, cited reference teaches MVB2 which determines whether the message is simple or complex and routes the message accordingly.

(11) Related Proceeding(s) Appendix

No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner's answer.

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For the above reasons, it is believed that the rejections should be sustained.


Respectfully submitted,



Naresh Vig
Examiner
Art Unit 3629

Conferees:

John Weiss


4-11-06

Tan Dean Nguyen

